

ASSEMBLY BILL

No. 1368

Introduced by Assembly Member Adams

February 27, 2009

An act to amend Section 131055 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1368, as introduced, Adams. Public health.

Existing law creates, within the California Health and Human Services Agency, the State Department of Public Health. The department is vested with duties, powers, purposes, functions, responsibilities, and jurisdiction relating to public health, licensing and certification of health facilities, and various other programs, as specified.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 131055 of the Health and Safety Code
- 2 is amended to read:
- 3 131055. (a) All regulations and orders adopted by the former
- 4 State Department of Health Services and any of its predecessors
- 5 in effect immediately preceding the operative date of this section
- 6 shall remain in effect and shall be fully enforceable unless and
- 7 until readopted, amended, or repealed, or until they expire by their
- 8 own terms. Any action by or against the former State Department

1 of Health Services or any of its predecessors pertaining to matters
2 vested in the State Department of Public Health by this chapter
3 shall not abate but shall continue in the name of the State
4 Department of Public Health, and the State Department of Public
5 Health shall be substituted for the former State Department of
6 Health Services and any of its predecessors by the court wherein
7 the action is pending. The substitution shall not in any way affect
8 the rights of the parties to the action.

9 (b) On and after the operative date of this section, the
10 unexpended balance of all funds available for use by the former
11 State Department of Health Services or any of its predecessors in
12 carrying out any functions transferred to the State Department of
13 Public Health shall be available for use by the State Department
14 of Public Health.

15 (c) All books, documents, records, and property of the former
16 State Department of Health Services pertaining to functions
17 transferred to the *State* Department of Public Health shall be
18 transferred to the State Department of Public Health.

19 (d) On and after the operative date of this section, positions
20 other than that of the State Public Health Officer and the Chief
21 Deputy filled by appointment by the Governor in the former State
22 Department of Health Services whose principal assignment was
23 to perform functions transferred to the State Department of Public
24 Health shall be transferred to the State Department of Public
25 Health. Individuals in positions transferred pursuant to this section
26 shall serve at the pleasure of the Governor. Salaries of positions
27 transferred shall remain at the level established pursuant to law
28 unless otherwise provided.

29 (e) Every officer and employee of the former State Department
30 of Health Services who is performing a function transferred to the
31 State Department of Public Health and who is serving in the state
32 civil service, other than as a temporary employee, shall be
33 transferred to the State Department of Public Health pursuant to
34 the provisions of Section 19050.9 of the Government Code. The
35 status, position, and rights of any officer or employee of the former
36 State Department of Health Services shall not be affected by the
37 transfer and shall be retained by the person as an officer or
38 employee of the State Department of Public Health, as the case
39 may be, pursuant to the State Civil Service Act (Part 2
40 (commencing with Section 18500) of Division 5 of Title 2 of the

- 1 Government Code), except as to a position that is exempt from
- 2 civil service.

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